

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. DAVID S. FIELD and HOLLY FIELD,

Plaintiffs,

-v-

EXPONENTIAL WEALTH INC., et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 1990 (JGK) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Before the Court is Plaintiffs' letter advising that pro se Defendant Ryan Murnane ("Ryan") "fail[ed] to appear for his deposition, which was properly noticed for May 24, 2023," and has "ma[de] himself unavailable" for deposition until after the June 2, 2023 deadline set forth in the Court's March 21, 2023 scheduling order. (ECF No. 206 at 1). Plaintiffs request "a 30-day extension of the discovery cut-off dates in the March 21 discovery Order[,]" and "an award of sanctions under F.R.C.P. 37(b)(2) for Ryan's repeated failure to comply with Court Orders, including an award of costs to Plaintiffs." (Id. at 2 (the "Request")).

The Request is GRANTED IN PART and DENIED IN PART as follows:

1. The discovery schedule is EXTENDED as follows:
  - a. Fact depositions shall be completed by **July 5, 2023**.
  - b. Expert discovery, including expert disclosures, reports, production of underlying documents, and depositions shall be completed by **July 31, 2023**.
  - c. All discovery shall be completed by **August 30, 2023**.
2. Plaintiffs' request for sanctions is DENIED WITHOUT PREJUDICE to renewal, if appropriate, after the fact deposition deadline. Ryan is warned that failure to appear

for his deposition will result in the imposition of sanctions. See Fed. R. Civ. P. 37(d); Credit Suisse First Bos. Fin. Corp. v. LaMattina, No. 05 Civ. 4350 (CPS) (KAM), 2005 WL 3479864, at \*2 (E.D.N.Y. Dec. 20, 2005) (sanctioning pro se defendant for failing to appear at deposition).

Plaintiffs shall promptly serve a copy of this Order on Ryan and file proof of serve on the docket.

The Clerk of Court is respectfully directed to mail a copy of this Order to Defendants Ryan and Krystalynne Murnane at the address below.

Dated: New York, New York  
June 1, 2023

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge

Mail To: Ryan Murnane  
886 Edgegrove Ave.  
Staten Island, NY 10309

Krystalynne Murnane  
886 Edgegrove Ave.  
Staten Island, NY 10309